

Page 94

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A. No.

**Q. Does All Granite provide kitchen faucets to its customers as part of any promotion?**

A. No.

Order was 2006, right?

**Q. July 2006.**

A. July 2006. To be honest, I don't know. Maybe -- no, I don't want to even guess. I think my boss was building a house at that time. Maybe he just ordered it for his house or something. Maybe something -- but we didn't give away faucets. We didn't -- that's not like something usual. Maybe something...

**Q. Okay.****Mr. Deja, how does All Granite know if a sink is to be included in any given countertop installation?**

A. Well, we are getting the coupon typically from the customer. And then we know that we should give them the sink. Or you mean how do we know that we should install one of your -- one of our sinks?

TSG Reporting - Worldwide 877-702-9580

Page 96

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

The customer is informed that the templater is coming over a create a template. And at that point the templater will ask the customer, Do you have your own sink or are you going to use one of ours. If the customer has his own sink, he will present it to the templater and templater will fit it into the actual cabinet to check if the sink fits. That's really important because sometimes customers, they buy sinks that are too big and we can cut the hole for the sink and not place it into the cabinet. He'll place the sink, mark the center of the sink. Typically when we'll place the seam when we have to join two pieces together, we'll make the seams right in the middle of the sink. This way you would get only four inches on the front and back of the sink and on the back you drill the holes for the faucet so it's not visible anyway.

And if the customer tells the installer I'm going to use your sink, the installer will grab the piece -- the sample sink from the car or even visually inspect the cabinet because they know our sinks, they know

TSG Reporting - Worldwide 877-702-9580

Page 95

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY****Q. Yes.**

A. Okay. Then let's say the customer's provided us with a coupon at the time of the initial consultation. Sometimes we do the note in our system that the coupon was provided. But typically customers is advised to tell that piece of information about the sink, that sink will be from our stock to the templater who is measuring the countertop. That is the most important piece of information that we have to rely on.

**Q. So it's from the customer to the cutter or the customer to the technician?**

A. To the technician. To the templater, to the installer. To the person who's coming over to the house. The way it's played out when the customer is ready for us to do the templating of the project he's going to make a phone call. Okay, guys. I'm ready. Come on over. We inform him that he has to have all the appliances on site like the stove, the refrigerator. We're not going to measure the job when the appliances are not in place. The measures have to be real precise.

TSG Reporting - Worldwide 877-702-9580

Page 97

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

whether it's going to fit or not. And he will put that information on the shape of the countertop, on the actual template that he's creating. On that template there are the most important information for our business, you know, to fabricate a countertop. The name of the granite, the sample number, the name of the edge, the work order number, the seam locations and the sink. If there is a customer sink he will put on the template, customer sink. And on the sink he'll write the work order number on the side. If that's our sink he'll place our sink, rectangle or our sink, D-shaped. That's pretty much it.

**Q. And how long are templates maintained by your company after they're used?**

A. They're thrown out automatically. After they fabricate maybe they keep it a day or two and they throw it out.

**Q. Do they wait until the installation takes place or --**

A. Sometimes yes, sometimes no.

**Q. Is there a policy or procedure with respect to that?**

TSG Reporting - Worldwide 877-702-9580

Page 98

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

A. No. No policy about that.

Because if something goes wrong with the installation and the shape does not fit there, it's no blaming game. We're not going to go back with the template to check who made the mistake, whether that was the cutter on the bridge saw or the C&C department. We have to replace the countertop anyway so we just send the guy out to inspect the problem and he'll create a new template. At the end of the day the customer has to have the countertop replaced, installed quickly. That's the bottom line.

**Q. So other than the template itself, does All Granite keep any records specifically with respect to the number of sink installations?**

A. Not really. Not really. It's not consistent. Sometimes they may put it in the notes. There is a field in our database that the sales representative or production coordinator may input some notes, like our sink, or the customer will not be at home, or knock at the back of the door. Something for

TSG Reporting - Worldwide 877-702-9580

Page 99

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

the -- you know, something extra, like a communication space.

**Q. Um-hum.**

A. And they may put a notation about the sink in there but they may not. Same way the installer will create a drawing of the actual countertop and then on the side he may put the sink, our sink, or he may not put it. Previously we've been using -- you know, most of the information was on the paper. But we departed -- couple years back we departed from that. Because the conditions of the granite fabricator shop are very harsh. We have a lot of water, we have a lot of dust. In the wintertime we have to filter the air so there is no heating pretty much because all the warm air would escape anyway. So it's a very hard job. When we were giving them papers they would get them wet or dirty in a second. And they were constantly going back and forth to the foreman, print me another set, print me another set. And when the operation is big you just cannot have that.

So we decided -- told installers

TSG Reporting - Worldwide 877-702-9580

Page 100

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

put all the information on the template. They have the template right in front of their eyes all the time. The template is made out of thick plastic. They write on it with the black -- not washable pen, the thick one. They have it in front of their eyes, just do it. Not going back and forth asking for papers. That's why we didn't really focus on write anything on the paper that they're getting.

**Q. Obviously, Mr. Deja, we've been talking about Artisan sinks here today. When was the first time you heard of Artisan sinks?**

A. The first time? I believe that was when we met -- I don't remember that, exactly the first time. But I'm assuming when we first met with Artisan in 2003.

**Q. Do you recall being part of a meeting with Artisan in 2003?**

A. I have no recollection of that. I have no recollection. It's been so long, you know, that -- at that time we had lots of meetings, especially with the quarries, so everybody -- there was a meeting with

TSG Reporting - Worldwide 877-702-9580

Page 101

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

somebody.

**Q. Do you attend any trade shows?**

A. Yes.

**Q. What trade shows do you attend?**

A. We participate in 16 to 18 trade shows every year. This year -- last Saturday I was on a trade show. I checked on my guys. You know, how they're performing.

**Q. Are these national trade shows or more local trade shows?**

A. Local trade shows. Home shows.

**Q. Do you know if Artisan ever shows at the same shows that you attend?**

A. I don't believe -- I never saw them.

I can't recall. I don't know.

**Q. Do you know if you ever -- if you or anyone on behalf of All Granite ever discussed with the Chinese manufacturer Artisan sinks?**

A. No.

**Q. You don't know or no?**

A. I didn't discuss.

**Q. Do you know if anyone else did?**

TSG Reporting - Worldwide 877-702-9580

Page 102

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 A. I don't know. I don't believe so,  
3 no.

4 **Q. Do you recall ever providing any**  
5 **of your sales force with training on Artisan**  
6 **during the period when you were distributing**  
7 **or giving away Artisan to customers?**

8 A. Uh-huh. Well, let me put it this  
9 way. When the new salesperson comes in we  
10 always take that salesperson for a tour and we  
11 show the facility. We show the process of  
12 fabrication. We show the granite, the color,  
13 the selection process. We show database. And  
14 the sinks are very -- you know, like a tiny  
15 little percentage of all that. So typically  
16 the training that the salesperson gets is  
17 these are sinks that we give away for free.  
18 The customer may show you a coupon from  
19 different publications that you can accept it,  
20 you can tell them to give the coupon to the  
21 installer who comes over to template the job.  
22 And then there's a certain polish for  
23 stainless steel. As good as any other sink.  
24 And we may mention the gauge but it's not  
25 typically what the salespeople do. They don't

TSG Reporting - Worldwide 877-702-9580

Page 103

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 really know the gauges and they're not really  
3 that savvy. That's why, you know, if the  
4 there is a need for that spec sheet that you  
5 showed me for, like, additional information,  
6 the customer -- I mean the salespeople will  
7 look into that spec sheet and, you know, then  
8 start replying to customers' inquiries.

9 But other than that, the main  
10 thing that they know is just to give the sink  
11 for free. That's it.

12 **Q. When you say the spec sheet, are**  
13 **you referring to the --**

14 A. No, not this one.

15 **Q. Not this one?**

16 A. Not this one. The one with the  
17 four sinks -- with the four sinks crossed out.

18 **Q. The one that was part of the**  
19 **investigator's report.**

20 A. Right.

21 **Q. Part of this (indicating).**

22 A. Part of this (indicating), um-hum.  
23 And the stainless steel sinks,  
24 they scratch, so we basically advise the  
25 customer that they may purchase the products

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Page 104

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 in Home Depot to polish them. That's regular  
3 maintenance and that's pretty much it.

4 **Q. Are there any other accessories**  
5 **that you would tell the customers that they**  
6 **could purchase on the open market?**

7 A. No. You know, the salespeople,  
8 they don't mention the accessories. Typically  
9 people don't ask much about that when they're  
10 purchasing the countertop. They're, like,  
11 focusing on the stone alone. Mostly  
12 99 percent of the time they spend on the yard  
13 going back and forth from one slab to another.  
14 Putting samples of the cabinet doors to the  
15 stone to check how the color matches. That's,  
16 you know, what they do. They don't think  
17 about the sink yet.

18 **Q. Well, do customers ever ask**  
19 **salespeople who manufactures the sink that All**  
20 **Granite provides?**

21 A. Yeah. Well, they -- if they  
22 inquire my people will say that that's our own  
23 brand pretty much.

24 **Q. And is that pursuant to any policy**  
25 **or procedure of All Granite?**

TSG Reporting - Worldwide 877-702-9580

Page 105

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 A. Can you restate the question?

3 **Q. Is the fact that your salespeople**  
4 **tell customers who inquire about the brand**  
5 **name of the sink --**

6 A. Part of the policy.

7 **Q. -- part of the policy?**

8 A. Um-hum. They are told to do so.

9 **Q. And is that part of training or is**  
10 **that provided in written documentation or**  
11 **something else?**

12 A. Not even written -- it's part of  
13 the training. We just tell them that these  
14 are our sinks. These are our sinks and...

15 **Q. And with respect to the logo that**  
16 **appears on the sinks manufactured for All**  
17 **Granite, I believe you said -- were you**  
18 **involved in that process?**

19 A. Yes.

20 **Q. What was your role in that**  
21 **process?**

22 A. Well, I was overseeing the design.  
23 I was -- I was accepting the design that --  
24 the graphic designer typically submits the  
25 design for my approval so I was approving the

TSG Reporting - Worldwide 877-702-9580

Page 106

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 design, yes. That's the right word for it,  
3 approval.

4 Q. Let me show you what's been marked  
5 as Plaintiff's Exhibit 4.

6 A. Um-hum.

7 Q. Could you tell me if you've seen  
8 this document before or seen this design  
9 before?

10 A. Yes.

11 Q. What is this design?

12 A. It's our crown logo.

13 Q. And who was responsible for  
14 designing this logo?

15 A. That was our graphic designer,  
16 Sebastian Sroka.

17 Q. And do you know when Mr. Sroka  
18 designed this logo?

19 A. I would say it was at the  
20 beginning of 2007. Something like that maybe.

21 Q. And did you provide Mr. Sroka with  
22 any instructions with respect to this logo?

23 A. Well, you know, we'd been thinking  
24 about it and sort of, like, brainstorming with  
25 some other people from my team, I guess.

TSG Reporting - Worldwide 877-702-9580

Page 107

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Walter was also discussing it. And I came up

3 with an idea of creating our own logo and

4 branding our own line of sinks. And we were

5 thinking, you know, about the proper logo,

6 what to tie into, and we wanted to base it on

7 the -- you know, the company is a Polish

8 origin. We have a lot of employees with

9 Polish roots and Polish background so we

10 wanted to tie into Polish traditions a little

11 bit. And, you know, I've been studying in

12 Krakow, it's very old city with royal castle

13 in it. One of the most famous castles in

14 Europe. And we thought about something that

15 would go well with the Polish roots, something

16 that we could be proud of, and that was the

17 crown we came up with at that -- and I guess

18 Sebastian was doing some research and he found

19 the crown that -- the first Polish crown ever,

20 pretty much, and he copied it from the --

21 there is a Polish painter in 18th century, he

22 created old painting -- he made them up

23 basically from the very first Polish king to

24 the last one. It's a very famous gathering of

25 paintings. Everyone in Poland knows it. It's

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Page 108

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 really like a core of Polish historical

3 people. He took the first Polish king

4 Boleslaw Chrobry, and he took his crown and

5 that's what he wanted it to be, the Polish

6 crown, that first king. And that's what it

7 came to be.

8 Q. And in this painting is the king  
9 wearing the crown?

10 A. Yes.

11 Q. Just with respect to this logo,  
12 when Mr. Sroka gave you a drawing was it  
13 basically what you see here in front of you or  
14 were there some revisions or drafts?

15 A. I wanted the logo to be more  
16 horizontal because on our website -- usually  
17 when you design the website the logo are  
18 square, they don't fit well into that very  
19 long stripe -- strip, right? At the top of  
20 the page. So logo with the horizontal aspect  
21 will fit a little bit better. So I wanted the  
22 logo to be kind of -- crown is pretty much  
23 square. I wanted it to be a little bit more,  
24 you know, like to the sides. Like this  
25 (indicating). And he changed that little

TSG Reporting - Worldwide 877-702-9580

Page 109

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 thing -- you know, those -- what do you call  
3 that thing?

4 Q. I called them a curl the other  
5 day.

6 A. Curls, okay. Something. So he  
7 changed them so they extend to the right and  
8 left and that's pretty much it.

9 Q. So was the case that there were  
10 curls on the original --

11 A. Yes. Same thing but a little bit  
12 more curly like this way (indicating). And  
13 like the bottom ones they're more, you know --  
14 how maybe I should describe that? He made it  
15 like this (indicating). Something like this  
16 (indicating). And then he extended it this  
17 way (indicating) the way I remember.

18 Q. So the initial drawing, the curls  
19 were smaller and closer to the actual crown,  
20 correct?

21 A. Right.

22 Q. And at your suggestion he  
23 elongated them and stretched them out a bit.

24 A. Um-hum.

25 Q. And with respect to the curls that

TSG Reporting - Worldwide 877-702-9580



Page 110

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**  
2 are at the bottom of the crown, were those  
3 part of the original drawing?

4 A. I think so.

5 **Q. Do you know how -- were these**  
6 **curls also depicted in the painting of the**  
7 **first Polish king?**

8 A. No. That was added. Because the  
9 crown itself looked kind of plain. You know,  
10 kind of generic. And we wanted to make it a  
11 little bit less generic.

12 **Q. Okay.**

13 A. Plain basically. So that's -- I  
14 guess he enhanced it with those.

15 **Q. Now, at this time did you have any**  
16 **plans to seek trademark protection for this**  
17 **logo?**

18 A. No. At this -- well, basically  
19 that is always our intention, you know. But  
20 there's not enough time to do everything. So  
21 even if we wanted to do it it's just one of  
22 the things that we would do at the very, very  
23 end. So that's why it wasn't even  
24 implemented.

25 **Q. Do you recall if you went so far**

TSG Reporting - Worldwide 877-702-9580

Page 111

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**  
2 as to do a trademark registerability search  
3 for a design like this?

4 A. I do not believe Lou did that for  
5 the crown. We'd been doing some trademark  
6 registrations for some other things but not  
7 for this one. We had a project - that's why  
8 we met Lou couple of years back - that we've  
9 been doing trademark registration. With this  
10 one that was kind of one of the least  
11 important things. That's why we didn't even  
12 pursue that at that time. I mean, if I have a  
13 little bit of a free time maybe -- but since  
14 that whole promotion started I wouldn't at  
15 this point.

16 **Q. Now, do you have any other brand**  
17 **names or logos that you use in connection with**  
18 **your sinks?**

19 A. Porcelain sinks, Di-Monte.

20 **Q. And who was responsible for that?**

21 A. Sebastian as well.

22 **Q. And have you sought any trademark**  
23 **protection for the Di-Monte name?**

24 A. No, no.

25 **Q. And I believe you said that**

TSG Reporting - Worldwide 877-702-9580

Page 112

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**  
2 beginning with the -- was it the second order  
3 of sinks from the Chinese manufacturer in  
4 April of 2007 --

5 A. Um-hum.

6 **Q. -- the sinks that you were**  
7 **ordering had this logo on them?**

8 A. Yes.

9 **Q. And is it correct to say that now**  
10 **as of today all sinks in your inventory have**  
11 **this logo on them?**

12 A. I think we are still left with  
13 some sinks with no logo. But I would have to  
14 check, you know, what's the quantity of those.  
15 Not a lot but I think we still have some with  
16 no logo.

17 **Q. Okay. And those would be from the**  
18 **initial -- the first order?**

19 A. Yes.

20 **Q. So those would be for either the**  
21 **SU12321 or the SU23120.**

22 A. Correct.

23 **Q. Double bowl and the D-sink I**  
24 **believe?**

25 A. Um-hum.

TSG Reporting - Worldwide 877-702-9580

Page 113

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 **Q. Now, do you use this logo in any**  
3 **other place other than on the sink?**

4 A. No.

5 **Q. Does its appear on your website at**  
6 **all?**

7 A. No.

8 **Q. Does Di-Monte appear on your**  
9 **website at all?**

10 A. No.

11 **Q. Does it appear on any other**  
12 **literature that is distributed by All Granite?**

13 A. No. We just don't focus on  
14 branding really the sinks at this point.

15 **Q. And where is the logo located on**  
16 **the sink?**

17 A. It's in the center of the sink as  
18 you look at it. And in the double bowl sink  
19 it's in the larger bowl in the center in line  
20 with the strainer.

21 **Q. And with the other two it's lined**  
22 **up with the drain hole?**

23 A. Yes, as well. Um-hum.

24 **Q. Mr. Deja, we talked a little bit**  
25 **earlier about the Artisan sink that was on**

TSG Reporting - Worldwide 877-702-9580

Page 114

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**  
2 display in the South Plainfield showroom,  
3 correct?

4 A. Um-hum.

5 **Q.** I believe you learned sometime in  
6 the first week in January that that sink was  
7 on display?

8 A. Um-hum.

9 **Q.** Do you know how that sink came to  
10 be on display in the South Plainfield  
11 showroom?

12 A. I don't know. My guess is that we  
13 installed it and somebody forgot to remove it.  
14 When we stopped, you know, selling Artisan  
15 products, that was the only one that was  
16 omitted and I don't know why. You know, I  
17 guess by overseeing the fact that it's there.

18 **Q.** So was there a point in time when  
19 each of the sinks in the South Plainfield  
20 showroom on display was an Artisan sink back  
21 when Artisan was the sink that was being  
22 distributed by All Granite?

23 A. I think we had -- at that point we  
24 had more of the sinks on display. And then  
25 they were removed. But I'm not sure exactly

TSG Reporting - Worldwide 877-702-9580

Page 116

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**  
2 investigator was assisted by Mr. Peter Bucko.

3 Is Mr. Bucko an employee of All  
4 Granite?

5 A. Yes, he is.

6 **Q.** And what is his position?

7 A. He's a salesperson.

8 **Q.** And the report indicates that Mr.  
9 Bucko told the investigator without prompting  
10 that the sink installed -- or if the  
11 investigator was to go ahead with her order,  
12 was to be an Artisan sink.

13 Do you have any reason to believe  
14 why that was not what happened?

15 MR. CHIODO: Objection.  
16 Mischaracterizes.

17 **Q.** You can answer the question if  
18 understand it.

19 A. I forgot the question already.  
20 Sorry.

21 **Q.** Let's look specifically at the  
22 report.

23 A. At the report, okay.

24 **Q.** It relates that the investigator  
25 engaged Mr. Bucko. That Mr. Bucko, and I'm

TSG Reporting - Worldwide 877-702-9580

Page 115

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**  
2 when.

3 **Q.** Take a look at what you've already  
4 been shown which is Plaintiff's Exhibit 1  
5 which is the investigator's report in  
6 connection with this case.

7 **Mr. Deja, could you tell me if**  
8 **you've seen this document before?**

9 A. Yes.

10 **Q.** And do you recall the first time  
11 you saw it?

12 A. I think on Thursday was it? Or  
13 Friday? Thursday I think, right? That  
14 particular printout when I came here on  
15 Thursday.

16 **Q.** Okay. And you've read the report?

17 A. What's that?

18 **Q.** You've read the report?

19 A. Yeah. Loosely.

20 **Q.** Well, the report relates to two  
21 visits by a private investigator hired by  
22 Artisan to visit the All Granite South  
23 Plainfield showroom which visit took place on  
24 November 6th, 2007 and November 27th, 2007.

25 And on this first visit the

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Page 117

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**  
2 picking up in the middle of the paragraph,  
3 stated that a free sink is provided with the  
4 installation of a countertop when a coupon  
5 from the Clipper was provided. He then told  
6 the investigators about gauge and banged on  
7 two sinks to show the difference in sound.

8 A. Um-hum.

9 **Q.** Stop there.

10 Have you ever seen Mr. Bucko doing  
11 a sales pitch to customers?

12 A. I saw him assisting customers but  
13 I never followed him every step of the way.

14 **Q.** Okay. Did you ever see Mr. Bucko  
15 banging on sinks?

16 A. No, never.

17 **Q.** Have you ever seen any salesperson  
18 at South Plainfield showroom banging on sinks?

19 A. No.

20 **Q.** Do you know if the banging on  
21 sinks would be a way to show customers the  
22 differences in sound deadening qualities?

23 A. That's an interesting concept. I  
24 never thought of that. But -- if you bang on  
25 the sink maybe the thickness of the sink will

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Page 118

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 show up. Maybe that's -- hum.

3 Q. The next sentence says, "He  
4 pointed specifically to the D-shaped double  
5 sink with the serial number 8455R with the  
6 price of 250 and said it was a 16 gauge  
7 Artisan sink and they were tougher and better  
8 than other sinks on the market."

9 Do you see that?

10 A. Um-hum.

11 Q. Now, you've spoken to Mr. Bucko,  
12 have you not, about this?

13 A. What's that?

14 Q. Have you spoken to Mr. Bucko about  
15 this report?

16 A. Yes.

17 Q. And did Mr. --

18 A. Well, when I talked to him he  
19 basically told me I don't remember anything.  
20 And that's pretty much -- and I didn't want to  
21 really tell him what's in the report because I  
22 didn't want to suggest him with things that he  
23 doesn't really remember. So that's pretty  
24 much -- I'm sorry. Your question?

25 Q. My question is did you in the

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Page 119

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 course of I assume your own --

3 A. Investigation.

4 Q. -- investigation, have you  
5 uncovered any information that would cause you  
6 to disbelieve the statements made in this  
7 report?

8 A. Well, he told me that he doesn't  
9 remember and that they never do it, pretty  
10 much. Because, you know, he told me that he  
11 is not, you know, familiar about the gauges  
12 really. He knows something 16 inch -- but he  
13 was hesitating. Sixteen is maybe thicker  
14 something, so I cannot -- it didn't appear to  
15 me that he was able at that time to perform  
16 banging, like he's person knowledgeable about  
17 sinks the way he described it to me later on  
18 his experience with sinks, you know, and  
19 knowledge about sinks.

20 Q. The report continues to discuss  
21 the return visit by the investigator which  
22 took place on November 27th, 2007 when the  
23 investigator was helped by Chris. Who is  
24 Chris?

25 A. Chris is a salesperson in our

TSG Reporting - Worldwide 877-702-9580

Page 120

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 South Plainfield office.

3 Q. And Chris's real name is Daniel;  
4 is that correct?

5 A. Daniel, correct. He goes by the  
6 name Chris.

7 Q. If you look at what's Bates  
8 stamped ART 00024 and the first paragraph  
9 about a little further than half way down, the  
10 sentence that begins "AD asked more  
11 specifically what brand of sink and that on  
12 the previous visit AD was told of the Artisan  
13 sinks. Chris confirmed that an Artisan sink  
14 could be installed. AD and Chris then viewed  
15 the sink display. Since Mr. Amabile requested  
16 a D-bowl AD confirmed with Chris that the  
17 D-bowl on display was an Artisan sink."

18 Do you see that?

19 A. Um-hum.

20 Q. Have you spoken to Chris about  
21 this report?

22 A. Yes.

23 Q. What was the outcome of your  
24 discussion?

25 A. Same thing. He just didn't

TSG Reporting - Worldwide 877-702-9580

Page 121

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 remember. And I can believe them because they  
3 serve so many customers that it's hard for  
4 them to remember each and every one. And same  
5 thing.

6 Q. Well -- sorry. Go ahead.

7 A. No, no. I'm sorry.

8 Q. Well, my question is -- I'm not  
9 asking whether they remember the specific  
10 customer. I'm wondering if they remember  
11 whether they ever told a customer that the  
12 sink that would be installed in their house  
13 would be an Artisan sink.

14 A. No, no. They didn't -- they told  
15 me that they don't say that basically to the  
16 customer. Or something in that line. You  
17 know, not -- pretty much.

18 Q. I show you what's been previously  
19 marked as Plaintiff's Exhibit 7.

20 A. Um-hum.

21 Q. Mr. Deja, could you tell me if  
22 you've ever seen this document before?

23 A. I believe I saw it as a part of  
24 the -- part of the documentation. But it was  
25 black and white.

TSG Reporting - Worldwide 877-702-9580

Page 122

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

Q. I'll represent to you that this was a document provided to Artisan by Lin Poynter, a customer from Massapequa who purchased a countertop which included a free sink installation from All Granite's Ridgefield Park location.

A. Um-hum.

Q. And that Ms. Poynter claims that she was given this sink spec sheet at the Ridgefield Park location.

A. Um-hum.

Q. Now, other than in connection with this lawsuit, have you ever seen this document before?

A. No.

Q. Do you know if All Granite ever creates or provides to customers documents like this at any of its showrooms?

A. The one that you showed me with the four sinks crossed out. That would be something like that that was created by us.

Q. So that's the only type of documents that would have been provided to customers?

TSG Reporting - Worldwide 877-702-9580

Page 123

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

A. Yes, um-hum. Well, not really provided. I don't think that they give it away to the customer but if the customer wants to have it, I don't think they will object.

Q. Now, what if a customer is working with a contractor and for whatever reason the contractor wants to know the specification of the sink? What do you give the customer, if anything?

A. The spec sheet that you showed me, the previous one with the sink crossed out. That was in circulation. That's something that I remember as being.

Q. So you're looking at what was marked as ART 00027?

A. Um-hum.

Q. Okay.

A. That I didn't see.

Q. Sorry. When you say that you didn't see, you're talking about Plaintiff's Exhibit 7?

A. 00241. ART. Yes.

Q. Do you know if a document like this was ever made available to customers at

TSG Reporting - Worldwide 877-702-9580

Page 124

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

the South Plainfield location?

A. No. I don't know. I don't think so.

Q. Did you ask anybody at South Plainfield if a document like this was ever made available?

A. I don't remember. I may have asked Alex. Did I have a chance to ask him about that? Yes, I think we asked him. Did I ask him Thursday? I think I did ask him on Thursday. Because we met him over here.

Q. Do you recall what he said?

A. No, he -- he said no, he didn't see it. He didn't see the document.

Q. Do you know if the sinks that All Granite has manufactured and in turn supplies to customers were based on the specifications for Artisan sinks?

A. No. They were not.

Q. Do you know if All Granite paid for any molding or tooling charges to the Chinese manufacturer?

A. No. As far as I know, they basically manufacture sinks. They have their

TSG Reporting - Worldwide 877-702-9580

Page 125

**R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

own line, you know, and we just purchase the sink and they brand it for us. It's not like we created a factory in there and they created molds and they created sizes. It's more like they sell sinks, we just buy them.

Q. Do you know if this factory manufactures for any other sink companies? Branded sink companies?

A. Sorry. Can you repeat the question?

Q. Do you know if the Chinese manufacturer manufactures sinks for any other companies?

A. Oh, for any other companies. I have no idea. But I may venture a guess that yes.

Q. Let's talk about South Plainfield. How are customer calls to South Plainfield, phone calls, handled?

A. The customer calls in. There is an automated message. If you want to hear directions or the opening hours press 1. If you want to talk to the sales representative you may hold or press 2. They'll hold. And

TSG Reporting - Worldwide 877-702-9580



Page 126

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 the salesperson will answer the phone. And  
3 then they will proceed according to the  
4 request, whatever the customer needs.

5 Q. And is it --

6 A. They're going to accommodate him.

7 Q. Is it whoever is available that  
8 will pick up the call?

9 A. Whoever is available.

10 Q. Is there any specific procedure  
11 for handling customer complaints or questions,  
12 post-installation?

13 A. Typically the salesperson who  
14 answers the phone will try to determine what  
15 the problem is. And if the problem can be  
16 dealt, you know, by that salesperson, he  
17 should be able to help the customer and take  
18 care of the problem.

19 If the problem cannot be taken  
20 care of, the salesperson requires additional  
21 knowledge or acting on our part, they will  
22 transfer the customer to the service  
23 department. In Ridgefield Park service  
24 department is Tony, our service manager.

25 Q. A call to South Plainfield would

TSG Reporting - Worldwide 877-702-9580

Page 128

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 exactly basically because if there is an issue  
3 of a real importance I believe Alex will take  
4 care of it anyway because ultimately it will  
5 go back to him. And if that issue is going to  
6 grow it will be transferred over to me so  
7 ultimately I will know the most serious cases.

8 Q. Well, do you recall giving any  
9 instructions personally to either Alex or  
10 Daniel with respect to handling complaints in  
11 South Plainfield over the last month or so?

12 A. No. No.

13 Q. Does All Granite have any  
14 mechanism to keep track of complaint calls  
15 from customers post-installation?

16 A. The only real record of the  
17 complaint is being attached to the work order.  
18 So when the customer calls in the salesperson  
19 will ask about the work order number. They  
20 will pull out that record or that record will  
21 automatically pop out. Our telephone system  
22 recognizes the phone number because our  
23 database is connected to the phone system in a  
24 way that when the phone rings the work order  
25 should automatically pop up on the screen.

TSG Reporting - Worldwide 877-702-9580

Page 127

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 ultimately be transferred to Tony in  
3 Ridgefield Park?

4 A. No. In South Plainfield typically  
5 the service calls are taken care of by Alex.

6 Q. Now, are you aware if Mr. Bucko  
7 was responsible for scheduling service calls  
8 or handling customer complaints at any point  
9 in time?

10 A. Possible. Possible. I cannot  
11 exclude it. In South Plainfield for  
12 services -- see, Alex and Daniel, these are  
13 two people who are responsible for final  
14 confirmation of the price. And when the  
15 output of the job is really big they are very  
16 busy so I can see Alex transferring parts of  
17 his duties to somebody else.

18 Q. Okay. Do you know if there's been  
19 any change in South Plainfield with respect to  
20 the handling of customer post-installation  
21 issues in the last month or so?

22 A. Might have been. Might have been.  
23 I think there was one girl, Julia, and I think  
24 she was involved in services for some time.  
25 And then maybe Alex back again. I don't know

TSG Reporting - Worldwide 877-702-9580

Page 129

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 And salesperson looking at the  
3 work order will be able to see the size of the  
4 installation, you know, what the problem might  
5 be. He will see the material. You know, some  
6 materials stain a little bit more than others  
7 and so forth. So he'll be able to help the  
8 customer a little bit.

9 If there is a real problem then  
10 the phone call will be transferred to Tony and  
11 Tony setting up a service visit, he will make  
12 a note in the system. I'm sending over the  
13 crew to inspect the granite for stains. I'm  
14 sending over the crew to inspect it for  
15 something. And then when the installer comes  
16 back, he will report to Tony and he will say,  
17 you know, the stains are there, we have to  
18 replace the piece, whatever. Tony will put  
19 the note on the file. But there is no -- if I  
20 wanted to know in the list of services, the  
21 system is not set up for that. We're dealing  
22 with -- you know, there are not too many  
23 services so typically Tony can remember the  
24 services that he's working on, you know, by  
25 the memory. And that's pretty much what it

TSG Reporting - Worldwide 877-702-9580

Page 130

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 is.

3 Q. Do you know if All Granite has any  
4 mechanism to keep track of calls that relate  
5 specifically to the sinks that All Granite  
6 installs?

7 A. No.

8 Q. Are you aware of any customers  
9 ever calling with respect to inquiries or  
10 questions about the sinks that All Granite  
11 installed?

12 A. Am I aware, right?

13 Q. Yes.

14 A. About that calls. Well, I talked  
15 to Alex and talked to Tony about services that  
16 would involve sinks and they told me that the  
17 only services that would pertain to sinks,  
18 that would pertain to them indirectly, like,  
19 in two instances I think, two or three I think  
20 maybe the sink became loose. That was within  
21 a couple of years period.

22 Then -- what was it? The opening  
23 for the sink was too small. The cutout that  
24 we did. Something like that. But there were  
25 no actual, you know, claims regarding the

TSG Reporting - Worldwide 877-702-9580

Page 132

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 we recommend some people for the cleaning  
3 product as well. We have our own cleaner but  
4 if somebody has a stain we will send them over  
5 to Stone Tech Pro website, you know, so...

6 Q. Going back specifically to  
7 Artisan --

8 A. People don't like Kohler's  
9 accessories because they're expensive so  
10 they're not -- when we send them over to  
11 Kohler they don't like Kohler's accessories.

12 Q. Okay. Well, are you aware of any  
13 specific instance where an All Granite  
14 employee referred a caller to Artisan for a  
15 sink accessory?

16 A. No, not specifically. I asked in  
17 the sales office and the reply was, well, you  
18 know, very rarely. But sometimes when  
19 somebody calls we say Kohler or Artisan.

20 Q. With respect to Ridgefield Park,  
21 how many of your employees there were employed  
22 by All Granite prior to 2007 in the period  
23 where Artisan sinks were being promoted and  
24 given away from All Granite?

25 A. How many salespeople -- what was

TSG Reporting - Worldwide 877-702-9580

Page 131

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 sink, itself. Like the quality of the sink, I  
3 don't like the sink. Nothing of that matter.

4 Q. How about anyone asking for  
5 accessories for the sink?

6 A. Sometimes people may ask about the  
7 accessories about the sink. But we do not  
8 treat that as a service call. So Tony --  
9 typically that phone call would not even end  
10 up at Tony's desk. People in the sales office  
11 will inform the customer that, you know, he  
12 may inquire about the accessories in some  
13 other manufacturers and see if they fit from  
14 Kohler's website and I believe from Artisan's  
15 website as well.

16 Q. So is it your understanding that  
17 people in the sales office may have referred  
18 customers looking for accessories for their  
19 All Granite sinks to Artisan?

20 A. It is possible. It is possible.  
21 We've been doing some business before with  
22 Artisan, you know, and if people want to  
23 purchase something, you know, they may do it  
24 from them if it fits and if they find  
25 something that they're looking for. You know,

TSG Reporting - Worldwide 877-702-9580

Page 133

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 the number of the sales staff? Or what was  
3 the number of people working for us like  
4 coming and going?

5 Q. Well, how many people were working  
6 for All Granite then that are still working  
7 for All Granite now?

8 A. Oh, okay. Hum. From 2006?

9 Q. From -- yeah, from whenever --

10 A. 2003 I mean.

11 Q. The 2003 to 2006 period.

12 A. That would be me. Thomas maybe.  
13 Martin, the manager. Some production. Peter.  
14 But not sales staff.

15 Q. No sales staff?

16 A. I don't believe sales staff.

17 Q. How about in South Plainfield?  
18 Does anybody fit into that category?

19 A. I would have to ask Alex but I  
20 don't believe that -- the guys in there are  
21 like for six months, maybe eight months. Not  
22 that long.

23 Q. Is Alex somebody who would --

24 A. Alex would know better,  
25 definitely. And he would be the one

TSG Reporting - Worldwide 877-702-9580

Page 134

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 because -- yes, who was employed for the whole  
3 period.

4 Q. How about Daniel?

5 A. Maybe Daniel. He came from  
6 Ridgefield Park with him to the -- we kind of  
7 transferred them over but Alex is definitely  
8 older employee than Daniel.

9 Q. Now, with respect to the memo that  
10 we looked at earlier which was here, in  
11 addition to the memo did you provide any  
12 additional instructional information to your  
13 salespeople or to All Granite personnel?

14 A. I told them that if anything weird  
15 is going to happen, you know, with respect to  
16 customer relation and the sink, you know, like  
17 phone calls inquiring about sinks specifically  
18 or anything that concerns the matter, that I  
19 should be notified. And, you know, they  
20 should let me know.

21 What else?

22 Well, the typical stuff that I  
23 discussed earlier. I ordered them to search  
24 their desks and, you know, there's some hidden  
25 old cabinets and files for, like, materials

TSG Reporting - Worldwide 877-702-9580

Page 136

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. Wasn't it the false name of the  
3 investigator? Susan Murray? I think that's  
4 the customer, right? I think so.

5 Q. So your understanding is this is  
6 the All Granite document relating to the order  
7 placed by the private investigator?

8 A. By private investigator. Okay.  
9 Yeah. That's why I recall that name. It  
10 sounded familiar.

11 Q. And are all the documents that are  
12 included in this exhibit All Granite  
13 documents?

14 A. Yes. That is I believe client's  
15 drawing (indicating). That's her hand drawing  
16 I can assume. That's ours definitely, that's  
17 ours. That's ours. Um-hum. Well, everything  
18 is ours because her drawing was scanned into  
19 the estimate portion of the database.

20 Q. Okay. Now, looking at the first  
21 page of this exhibit it indicates that the  
22 estimate was created by Peter Bucko on  
23 November 27th, 2007.

24 Do you see that?

25 A. Um-hum.

TSG Reporting - Worldwide 877-702-9580

Page 135

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 they wouldn't know about but it might be there  
3 or something and they searched for it.

4 Q. And just to confirm, this memo was  
5 distributed to all three All Granite offices?

6 A. All three locations, that's  
7 correct. And displayed as well. I  
8 specifically requested managers to read it to  
9 all the salespeople so they on a one-by-one  
10 basis will be familiarized with it and then we  
11 post it on the wall.

12 Q. When you say read it to the  
13 salespeople, to actually read it to the  
14 salespeople out loud?

15 A. No, they show it to them so they  
16 can read it.

17 Q. So everybody got their own copy as  
18 far as you know.

19 A. Well, either that or in  
20 Stroudsburg there's only three people so the  
21 manager show them.

22 Q. I'd like to show you what's  
23 previously been marked as Plaintiff's  
24 Exhibit 6. And, Mr. Deja, could you tell me,  
25 have you ever seen this document before?

TSG Reporting - Worldwide 877-702-9580

Page 137

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. And then it says Last Corrected By  
3 Sebastian Kruszewski on January 7th, 2008.

4 A. Um-hum.

5 Q. Who is Sebastian Kruszewski?

6 A. One of our salespeople.

7 Q. And do you know why Sebastian  
8 Kruszewski accessed or corrected this estimate  
9 on or about January 7th, 2008?

10 A. I don't know. I don't know. It  
11 happens very often. How should I phrase that?

12 When the customer comes in first  
13 time, they typically do not have very exact  
14 drawings. Something like this (indicating) is  
15 very common, you know, by hand. And then  
16 there are some minor changes when they're  
17 ready to finalize the order. The work order  
18 changes. Maybe that length here is different.  
19 Maybe they add a windowsill. And typically  
20 what we do is we work on the original estimate  
21 so we don't have, like, many copies of the  
22 same estimate. That would confuse us because  
23 the most important thing is the most recent  
24 one, but at the same time we want to keep  
25 track who was serving the customer because if

TSG Reporting - Worldwide 877-702-9580

Page 138

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 there is any question we can go back and check  
 3 with Peter or with Sebastian. So I'm assuming  
 4 either dimensions changed before the  
 5 installation. There must have been small  
 6 change. Or even -- then it will show up also  
 7 if somebody is making a note on the work  
 8 order. And they're changing the order --  
 9 let's see the notes. Maybe he did some notes.  
 10 Something. Anything. We'll basically make  
 11 that record whoever was changing that.  
 12 Q. And where does Sebastian work?  
 13 What office?  
 14 A. Sebastian I think is both. But  
 15 mostly Ridgefield Park I think. I see him in  
 16 Ridgefield Park.  
 17 Q. Just looking at the third page of  
 18 this exhibit.  
 19 A. Um-hum, third page.  
 20 Q. Appears to be the work order.  
 21 A. Yes.  
 22 Q. Do you see that?  
 23 A. Yes.  
 24 Q. It lists installation date of  
 25 December 8th, 2007. Do you see that?

TSG Reporting - Worldwide 877-702-9580

Page 140

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 show you something else first.  
 3 A. Um-hum.  
 4 Q. Sorry.  
 5 I show you what's previously been  
 6 marked as Defendant's Exhibit 11.  
 7 A. Um-hum.  
 8 Q. Mr. Deja, have you ever seen this  
 9 document before?  
 10 A. I think so.  
 11 Q. I'll ask you to direct your  
 12 attention to the fourth page of this document.  
 13 A. Yes.  
 14 Q. Which in response to a question  
 15 from All Granite regarding individuals who  
 16 have contacted Artisan regarding the  
 17 installation of sinks by All Granite, there  
 18 are six names listed.  
 19 Do you see that?  
 20 A. Yes.  
 21 Q. Do you know if any -- have you  
 22 tried to contact any of the people listed  
 23 here?  
 24 A. No.  
 25 Q. Do you know if anyone on behalf of

TSG Reporting - Worldwide 877-702-9580

Page 139

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 A. Um-hum.  
 3 Q. Do you know why then Sebastian  
 4 would be going into this file on January 7th,  
 5 2008 a month or so after the installation was  
 6 done?  
 7 A. I have no idea.  
 8 Did she call us? Did she call us?  
 9 Q. I don't believe so.  
 10 A. I don't know. There must have  
 11 been something. The thing is Sebastian  
 12 Kruszewski cannot change anything of real  
 13 vital importance because he has a sales  
 14 access -- sales representative access to there  
 15 so he cannot change anything important.  
 16 Q. I'd like to show you what's  
 17 previously been marked as Artisan -- I'm  
 18 sorry -- Plaintiff's Exhibit 8.  
 19 A. Um-hum.  
 20 Q. Which again appears to be  
 21 documents relating to a countertop  
 22 installation done for Charles, I believe, and  
 23 Suzanne Nagle of Bridgewater, New Jersey.  
 24 A. Um-hum.  
 25 Q. Let's hold off on this. Let me

TSG Reporting - Worldwide 877-702-9580

Page 141

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 All Granite has tried to contact the people  
 3 here?  
 4 A. No.  
 5 Q. Do you know if All Granite has  
 6 attempted to confirm whether the people listed  
 7 here were, in fact, customers of All Granite?  
 8 A. Yes.  
 9 Q. And do you recall what the outcome  
 10 of that examination was?  
 11 A. I believe that Paul Conrad or  
 12 Larry -- I don't remember. For most of them  
 13 we were able to find the work orders. For one  
 14 guy I forgot -- maybe this Larry Luchan we  
 15 just noticed that there was an account set up  
 16 but no work order then.  
 17 Q. Do you know if any other effort  
 18 was made to contact any of these people?  
 19 A. No. No, we didn't talk to them.  
 20 We didn't call them. Can we?  
 21 Q. Looking now at Plaintiff's  
 22 Exhibit 8 which is the documents produced by  
 23 All Granite with respect to the order of  
 24 Charles Nagle, do you see that?  
 25 A. Um-hum.

TSG Reporting - Worldwide 877-702-9580



Page 142

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. Was this what was generated by All  
3 Granite in response to Artisan providing these  
4 names?

5 A. I think so.

6 Q. And would this then confirm that  
7 Mr. Nagle, in fact —

8 A. Was a client of All Granite.

9 Q. And if I represent to you that Mr.  
10 Nagle informed me that he was told by Alex at  
11 South Plainfield that he would be receiving an  
12 Artisan sink in his home, do you have any  
13 reason to disbelieve that representation?

14 A. Yes. I wouldn't believe Alex  
15 would say that. There is just no reason for  
16 it.

17 Q. Okay.

18 MR. MALTBIIE: I'll have marked as  
19 Plaintiff's Exhibit 14 documents  
20 produced by All Granite bearing Bates  
21 stamps AGM 162 through AGM 171.  
22 (Plaintiff's Exhibit 14, document  
23 bearing production numbers AGM 0162  
24 through AGM 0171, marked for  
25 identification as of this date.)

TSG Reporting - Worldwide 877-702-9580

Page 144

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. And there's another name, Keith  
3 Kowal. Do you know who Keith Kowal is?

4 A. Yes. He's a salesperson.

5 Q. And then looking at the next page  
6 which appears to be a revised estimate —

7 A. Yes. Well, hum. I think that's a  
8 specific estimate and that's their regular  
9 estimate.

10 Q. This appears to have been created  
11 by Robert Sienkiewicz.

12 A. Um-hum.

13 Q. And who is that?

14 A. A salesperson.

15 Q. And it indicates that it was last  
16 corrected by Barbara Wojtach?

17 A. Um-hum.

18 Q. And who is that?

19 A. He's our bookkeeper.

20 Q. And if you look, there's another  
21 estimate in here which is on Bates page number  
22 AGM 165 which appears to have been created by  
23 Severyn Graeffling.

24 Do you see that?

25 A. Yes.

TSG Reporting - Worldwide 877-702-9580

Page 143

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 BY MR. MALTBIIE:

3 Q. Mr. Deja, this appears to be the  
4 estimate, work order, and invoice for the  
5 installation of the kitchen countertop for  
6 Robert Lezinski in Berkeley Heights, New  
7 Jersey.

8 Do you agree with that?

9 A. Yes.

10 Q. Do you know if this document was  
11 generated in response to the names provided by  
12 Artisan in its response to the  
13 interrogatories?

14 A. I think so. If that's the name  
15 that is on the list I would assume so, yes.

16 Q. (Indicating).

17 A. Um-hum.

18 Q. On the estimate, at least — let's  
19 take a look at that. There's — on the  
20 Created By area there's the name Kamil  
21 Grzywniak. And who is that?

22 A. I don't know him.

23 Q. Do you know if that's a  
24 salesperson that works there?

25 A. Yeah, that must be a salesperson.

TSG Reporting - Worldwide 877-702-9580

Page 145

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. Who is Severyn?

3 A. He was a salesperson.

4 Q. Does he still work with All  
5 Granite?

6 A. No.

7 Q. And this indicates that it was  
8 last corrected by Jerry Wojcik.

9 A. Wojcik.

10 Q. Wojcik.

11 A. I don't know that name. I know  
12 our salespeople but typically by face. And  
13 sometimes the name they go by is different  
14 than their real name so I...but it must be a  
15 salesperson.

16 Q. Then looking at the work order ID  
17 which is on page AGM 169 there's an indication  
18 there of a yard salesman, Peter Bucko.

19 Do you see that?

20 A. Yes.

21 Q. What does yard salesman mean?

22 A. Yard salesman means somebody who  
23 is showing the customer around on our yard who  
24 is actually showing the slabs to the customer.  
25 So yard salesman would be the person who

TSG Reporting - Worldwide 877-702-9580

Page 146

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 actually took care of the customer.

3 Q. So that's the person who's closest  
4 to the end or closest to the sale?

5 A. Closest to the sale you may say.  
6 The name over here, these are only basically  
7 the people who made the estimate. They might  
8 have been doing that over the -- not over the  
9 phone but based on the facts or something  
10 without real contact with client.

11 Yard salesman, that's the person  
12 who actually had the contact with client, who  
13 actually saw the client, talked to the client  
14 which is important sometimes if we need to get  
15 additional information.

16 Q. And when you say the people over  
17 here you're referring to the names that appear  
18 on the estimate that appear on the first page  
19 of this exhibit?

20 A. Yes, um-hum.

21 Q. Now, if I represent to you that  
22 Mr. Lezinski has informed Artisan and myself  
23 personally that he believed that he was  
24 receiving an Artisan sink when All Granite  
25 installed the sink in his home would you have

TSG Reporting - Worldwide 877-702-9580

Page 147

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 any reason to disbelieve that?

3 A. I would because I -- it's hard for  
4 me to believe that he -- in one way he  
5 believed that we're installing Artisan sink in  
6 his home. The only sink that was on display  
7 was in South Plainfield. The rest was pretty  
8 much our sink so pretty much the customer is  
9 going to get what he noticed. Without that  
10 one little omission, the rest was all the  
11 sinks that they were actually getting.

12 Q. But does that take into account  
13 what a salesperson may have actually told Mr.  
14 Lezinski?

15 A. No. But I don't see a reason.  
16 See, that is something that is really hard for  
17 me to believe. I can see the reason why my  
18 salespeople would say that we give away  
19 Artisan sinks because that wouldn't help us in  
20 any way. On the contrary. So it would be  
21 like doing something bad for the company, not  
22 a thing that might help the company. So why  
23 would they say that? It's beyond me. I don't  
24 know.

25 Q. Well, you testified earlier

TSG Reporting - Worldwide 877-702-9580

Page 148

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 that -- was it back when you made the decision  
3 to no longer carry Artisan sinks that you  
4 believed that there was no brand recognition  
5 for Artisan brand?

6 A. Correct.

7 Q. Now, do you have any understanding  
8 or belief as to the situation with respect to  
9 brand recognition for Artisan as you sit here  
10 today? Is it the same or is it something  
11 different?

12 A. Well, I think that I still do  
13 believe that there is no brand recognition on  
14 the market in terms of Artisan brand. And I  
15 specifically talked to salespeople asking them  
16 the question whether -- there was a situation  
17 where the customer came to the showroom and  
18 asked about Artisan sink and they said no,  
19 there was not even single instance that the  
20 customer came over and inquired specifically  
21 about Artisan sink with the omission of the  
22 investigator. She was the only person who  
23 actually came over and asked about Artisan  
24 sink, okay? So we did not have customers who  
25 were actually actively seeking the product.

TSG Reporting - Worldwide 877-702-9580

Page 149

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 And that was one major factor in my decision  
3 of stopping the cooperation with Artisan. And  
4 the second was even if we pointed out the  
5 customer to that brand and we told them here  
6 is the Artisan sink when we were -- I'm  
7 talking about the time that we were carrying  
8 Artisan sinks and we were giving them away,  
9 still the customer did not recognize the logo,  
10 did not recognize the brand. Still the  
11 response was, And what is this.

12 Well -- and the same -- did you  
13 guys hear about Artisan before the whole thing  
14 started? You probably did not. And that's  
15 the situation as it is. That's the real  
16 truth. Nobody really hears about Artisan.  
17 Nobody really hears about the brand. And the  
18 common end-user is a person who's coming to  
19 our showroom. That's the exact person who  
20 never heard about the Artisan. That's why I  
21 think that it did not -- if my people were to  
22 say that we have those sinks in stock, okay,  
23 that wouldn't help us in any way because we  
24 would be talking to somebody who doesn't know  
25 who Artisan is anyway. We may be talking we

TSG Reporting - Worldwide 877-702-9580

Page 150

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 have Georgia in stock and they wouldn't --  
3 that would be the same effect. That's why we  
4 came, you know, with an idea of our own brand.  
5 That's why that was one of the reasons that  
6 we're starting from scratch.

7 Q. And have you spoken to Mr. Bucko  
8 about this particular issue?

9 A. About the issue of?

10 Q. Brand recognition for Artisan.

11 A. Yeah, I asked him whether it  
12 happened -- you know, I asked him did it  
13 happen to you that the customer came over and  
14 asked about the Artisan brand. And he wasn't  
15 able to recall that. The investigator was the  
16 only person and maybe that made him a little  
17 bit unclear. But he didn't remember anyway.

18 Q. But are you aware that Mr. Bucko  
19 testified that he knew of Artisan brand due to  
20 customer inquiries about the Artisan brand?

21 A. No. No, I'm not aware about that.  
22 But I cannot exclude the situation that the  
23 customers are calling about the accessories  
24 and somebody's hearing in the showroom the  
25 name Artisan. But the inquiries -- I talked

TSG Reporting - Worldwide 877-702-9580

Page 152

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. Yes, they do.

3 Q. And were those documents generated  
4 in response to the names provided by Artisan  
5 in response to All Granite's interrogatories?

6 A. Yes, um-hum.

7 MR. MALTBIIE: Let's mark as  
8 Plaintiff's Exhibit 16 a document  
9 entitled Declaration of Alice Anderson  
10 which is a three-page declaration which  
11 is dated January 31st, 2008.

12 (Plaintiff's Exhibit 16,  
13 Declaration of Alice Anderson dated  
14 January 31, 2008, marked for  
15 identification as of this date.)

16 MR. CHIODO: Could I have a little  
17 break?

18 MR. MALTBIIE: Sure.

19 It should be Bates stamped ART  
20 00244 through 246.

21 (Recess taken.)

22 BY MR. MALTBIIE:

23 Q. Mr. Deja, I've just handed you  
24 what's been marked as Plaintiff's Exhibit 16  
25 and ask you whether you've ever seen this

TSG Reporting - Worldwide 877-702-9580

Page 151

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 specifically to many people, sales office  
3 manager in Ridgefield Park, Alex, and, no.  
4 Just no.

5 MR. MALTBIIE: I'd like to have  
6 marked as Plaintiff's Exhibit 15  
7 documents produced by All Granite  
8 bearing Bates stamp numbers AGM 187  
9 through 193.

10 (Plaintiff's Exhibit 15, document  
11 bearing production numbers AGM 00187  
12 through AGM 0193, marked for  
13 identification as of this date.)

14 BY MR. MALTBIIE:

15 Q. Mr. Deja, if you could take a look  
16 at what's been marked as Plaintiff's  
17 Exhibit 15 and I'll represent to you -- let me  
18 ask you, actually. This appears to be the  
19 estimate and work order -- I don't actually  
20 see an invoice -- for Alice Anderson in  
21 Highercrest, New Jersey.

22 Do you see that?

23 A. Yes.

24 Q. Do you -- do these documents  
25 appear to be documents created by All Granite?

TSG Reporting - Worldwide 877-702-9580

Page 153

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 document before.

3 A. I believe so.

4 Q. When was the first time you ever  
5 saw this document?

6 A. Yesterday -- not yesterday. On  
7 Thursday I think.

8 Q. And have you read this document?

9 A. Yes.

10 Q. This document is a declaration  
11 from Ms. Anderson who is a customer of All  
12 Granite; is that correct?

13 A. Yes.

14 Q. And in this declaration, and  
15 specifically in paragraph 5, Ms. Anderson  
16 states that when she called All Granite to  
17 find out the name of the manufacturer of the  
18 sink they had received she was informed by All  
19 Granite that the manufacturer of the sink was  
20 Artisan Manufacturing Corporation.

21 Do you see that?

22 A. Um-hum.

23 Q. Do you have any reason to  
24 disbelieve or discredit this statement made by  
25 Ms. Anderson?

TSG Reporting - Worldwide 877-702-9580

Page 154

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. Well, I believe it's a  
3 miscommunication. I believe she was notified  
4 that -- she was inquiring about the grid and  
5 somebody just told her to call Artisan, you  
6 know, for a grid basically. But I don't  
7 believe she was notified that it's an Artisan  
8 sink.

9 Q. So have you made any inquiry with  
10 respect to who may have notified Ms. Anderson  
11 that she could call Artisan for a grid?

12 A. No. And at that point it's not  
13 possible to know. Nobody would even remember  
14 that. You know, just one phone call from  
15 thousands.

16 Q. If there is no brand recognition  
17 with respect to Artisan, why would someone in  
18 your office suggest that a customer call  
19 Artisan for a sink accessory?

20 A. Okay. I think we've got the brand  
21 recognition -- I meant by saying brand  
22 recognition, I meant the customers don't know  
23 who Artisan is. There is no brand recognition  
24 among the customers and the fact that our  
25 salespeople know the name Artisan I think, you

TSG Reporting - Worldwide 877-702-9580

Page 155

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 know -- I'm not going to say that they don't.  
3 Because some people know that we've been  
4 selling Artisan sinks before. Some people --  
5 I mean, at that point, you know, many people  
6 know Artisan just because of what's going on.  
7 So -- of the litigation. So that's -- I would  
8 be lying if I say that they don't know who  
9 Artisan is. But by saying there is no brand  
10 recognition, I mean the customers have no  
11 knowledge about Artisan. They -- like, if you  
12 ask somebody on the street, you know, give me  
13 three names of the sink manufacturers, they  
14 would say Kohler and probably that's it.  
15 Maybe Elkay. Maybe Franke. There would be  
16 no -- I can safely say there would be no  
17 people mentioning Artisan.

18 So I know people coming into us,  
19 they don't know about Artisan. To be honest  
20 with you, I read through that declaration, I  
21 noticed that she wasn't notified that she's  
22 getting an Artisan sink. She got our sink.  
23 She got the sink that she was looking at  
24 exactly basically. That's what it is. And  
25 then she called us up and she wanted a grid.

TSG Reporting - Worldwide 877-702-9580

Page 156

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 We don't carry it. We told her go to some  
3 other companies, maybe Kohler, maybe Artisan.  
4 Maybe somebody mentioned Artisan name.

5 Q. Well, do you know if Kohler was  
6 mentioned to Ms. Anderson?

7 A. I don't know that. I don't know.

8 Q. And with respect to your  
9 salespeople, how many would you say in your  
10 Ridgefield Park location would be familiar  
11 with Artisan?

12 A. At this point everyone.

13 Q. I'm saying --

14 A. Before the litigation?

15 Q. Yes.

16 A. It's hard to say. I may ask  
17 around how many people would -- but it's hard  
18 to say. Because I cannot exclude that people  
19 knew that we've been selling Artisan sinks  
20 before.

21 Q. But I believe you testified  
22 earlier that you were among the very few  
23 people who are left --

24 A. Correct.

25 Q. Actually the only person who

TSG Reporting - Worldwide 877-702-9580

Page 157

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 handled sales who's still at All Granite.

3 A. Correct.

4 Q. That was present at All Granite  
5 when you were handling Artisan sinks.

6 A. Correct.

7 Q. Is there anyone other than you  
8 from the salespeople at All Granite that would  
9 be aware of Artisan?

10 A. Well, from our -- whoever was  
11 working for the company at the same time. The  
12 sales office manager was also working when we  
13 were purchasing sinks and giving them away  
14 from Artisan.

15 Q. And that person is still with --

16 A. Yes. That sales office manager  
17 that I mentioned.

18 Q. Who is that?

19 A. Thomas Wolosik.

20 MR. MALTBIE: Let's mark as  
21 Plaintiff's Exhibit 17 a document  
22 bearing Bates stamp numbers AGM 179  
23 through AGM 186.

24 (Plaintiff's Exhibit 17, document  
25 bearing production numbers AGM 0179

TSG Reporting - Worldwide 877-702-9580



Page 158

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 through AGM 0186, marked for  
3 identification as of this date.)

4 BY MR. MALTBIE:

5 Q. Mr. Deja, this exhibit appears to  
6 be the estimate, invoice, and work order for a  
7 countertop installation done for Virginia  
8 Anderson of Morristown, New Jersey.

9 Do you see that?

10 A. Yes.

11 Q. And do you know if this document  
12 was generated and produced by All Granite in  
13 response to the list of names provided by  
14 Artisan?

15 A. Yes, um-hum.

16 Q. And have you confirmed, therefore,  
17 that Ms. Anderson was a customer of All  
18 Granite?

19 A. Yes.

20 Q. And if I told you that Ms.  
21 Anderson was informed prior to the  
22 installation of the sink in her home that she  
23 was going to be receiving an Artisan sink  
24 would you have any reason to disbelieve or  
25 discredit that statement?

TSG Reporting - Worldwide

877-702-9580

Page 159

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. I would just -- again, I would be  
3 surprised why would that happen. My question  
4 would be probably what we would gain by saying  
5 to her that that's an Artisan sink. It would  
6 be just no gain at all.

7 Q. Are you aware of any recognition  
8 in the industry that Artisan has gained for  
9 being a provider, a manufacturer of 16 gauge  
10 stainless steel sinks?

11 A. No. No, I mean, 16 and 18  
12 gauge -- I mean, I heard that they started  
13 manufacturing 16 gauge sinks because I met  
14 with Artisan representative in the summertime  
15 and he told me about it but I don't think  
16 there is a recognition that goes like beyond  
17 that. Because there is no real gain for the  
18 customer in jumping up with the stainless  
19 steel grade. The cost maybe. Twenty and  
20 18 -- but 16 and 18 when you compare them,  
21 equally good.

22 Q. Do you recall if All Granite ever  
23 purchased any 16 gauge sinks from Artisan?

24 A. It is possible. It is possible.

25 Q. Take a quick look back at --

TSG Reporting - Worldwide

877-702-9580

Page 160

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. If we look at the invoices.

3 Q. Take a quick look back at  
4 Plaintiff's Exhibit 10.

5 A. Seventeen gauge. Seventeen gauge.  
6 Seventeen gauge. Seventeen gauge. Seventeen  
7 gauge. Seventeen gauge. Seventeen gauge.  
8 Seventeen gauge. Mostly 17, I think.

9 (Pause on the record.)

10 A. Sixteen gauge, yeah. I found  
11 something.

12 Q. If you look at the page that's  
13 Bates ART 00210, the page before the one  
14 you're looking at.

15 A. Okay.

16 Q. Does that document refresh your  
17 recollection of All Granite's purchase of 16  
18 gauge sinks from Artisan Manufacturing Corp.?

19 A. Yes, um-hum.

20 Q. I'd like to show you what's  
21 previously been marked as Plaintiff's  
22 Exhibit 9 which is a document bearing Bates  
23 stamp number AGM 151 through AGM 161.

24 And this appears to be the  
25 estimate ID for two customers -- sorry.

TSG Reporting - Worldwide

877-702-9580

Page 161

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. Kay Conrad and Ray Conrad I think.  
3 That's what we were able to find.

4 Q. This document appears to be the  
5 estimate, work order, and invoice for a  
6 countertop installation for Kay Conrad.

7 Do you see that?

8 A. Kay Conrad, um-hum.

9 Q. Can you tell if this collection of  
10 documents relates to one or two countertop  
11 installations?

12 A. I think -- let me just check. I  
13 see two estimates, same address, though.  
14 Maybe that's a duplex. Square footage is  
15 roughly the same. One drawing.

16 Well, I think that's one  
17 installation.

18 Q. And were these documents produced  
19 by All Granite in response to the list of  
20 names provided by Artisan in response to the  
21 interrogatories?

22 A. Yes, um-hum.

23 Q. And if I told you the Conrads  
24 believed at the time of installation that they  
25 were receiving an Artisan sink, would you have

TSG Reporting - Worldwide

877-702-9580

Page 162

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**  
2 **any reason to discredit or disbelieve that**  
3 **statement?**

4 A. Yes. Well, as previously, they  
5 looked at the sink. Over here that's the  
6 estimate out of Ridgefield Park location,  
7 right? The only sink -- Artisan sink  
8 displayed on that was in South Plainfield.  
9 Over here we have sinks lying against the wall  
10 and they're all our sinks. So they looked at  
11 it -- they must have looked at it and they  
12 must have seen it and that's what they've got.  
13 That's the exact same thing that they looked  
14 at.

15 Q. Well, does that explanation  
16 account for what the salesman may have told  
17 them with respect to the sinks they were  
18 having installed in their home?

19 A. Again, same -- same answer pretty  
20 much as to what the previous. I don't believe  
21 that the salesman would tell them the Artisan.  
22 I just don't have the -- I don't know the  
23 reason for it might be.

24 MR. MALTBIIE: Let's mark as  
25 Plaintiff's Exhibit 18 a document

TSG Reporting - Worldwide 877-702-9580

Page 164

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 A. Um-hum.

3 Q. Who is Mario?

4 A. He was our salesman.

5 Q. Is he no longer with All Granite?

6 A. No longer with All Granite.

7 MR. MALTBIIE: I'd like to have  
8 marked as Plaintiff's Exhibit 19 a  
9 document bearing Bates stamps ART 00237  
10 through ART 00240.

11 (Plaintiff's Exhibit 19, document  
12 bearing production numbers ART 00237 and  
13 ART 00240, marked for identification as  
14 of this date.)

15 BY MR. MALTBIIE:

16 Q. Mr. Deja, I'll represent to you  
17 these documents were provided to Artisan by  
18 Ron and Lynn Poynter of Massapequa, New York  
19 who contacted Artisan in order to obtain a  
20 sink grid believing that the sink installed by  
21 All Granite & Marble that was installed in  
22 their home was an Artisan sink.

23 Do these documents appear to be  
24 documents created by All Granite?

25 A. Yes.

TSG Reporting - Worldwide 877-702-9580

Page 163

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**  
2 bearing Bates stamp AGM 194 and 195.

3 (Plaintiff's Exhibit 18, document

4 bearing production numbers AGM 0194 and  
5 AGM 0195, marked for identification as  
6 of this date.)

7 BY MR. MALTBIIE:

8 Q. Mr. Deja, could you tell me if the  
9 document that's been marked as Plaintiff's  
10 Exhibit 18 was a document that was produced by  
11 All Granite in response to the names provided  
12 by Artisan to All Granite's interrogatories?

13 A. Yes. Yes, yes. Um-hum.

14 Q. And just looking at the list of  
15 names, do these documents relate to the name  
16 Larry Luchan of Demarest, New Jersey?

17 A. That is correct, yes.

18 Q. And other than the estimate ID do  
19 you see any other documents here relating to  
20 this transaction?

21 A. No. That's the one that we  
22 couldn't find the work orders that are  
23 associated with the account.

24 Q. This estimate looks like it was  
25 created by Mario Szweczyk?

TSG Reporting - Worldwide 877-702-9580

Page 165

1 **R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY**

2 Q. With respect to the statement that  
3 the Poynters believed that they had received  
4 an Artisan sink as part of their installation,  
5 do you have any reason to disbelieve or  
6 discredit that statement?

7 A. The installation was done out of  
8 our Ridgefield Park location. So, again, they  
9 must have seen our sink only displayed. And I  
10 do not believe that any salesman advising --  
11 or maybe -- well, that's in 2007. Oh, 2007.

12 No. That's not possible. So I do  
13 not believe that any salesman advised them  
14 about Artisan sinks. I just don't see the  
15 motive.

16 Q. Mr. Deja, we now have been -- or  
17 Artisan has been contacted by at least six All  
18 Granite customers, all of whom believe that  
19 they received an Artisan sink from All Granite  
20 as part of their installation. Other than --  
21 do you have any explanation for why six people  
22 would believe that they have received Artisan  
23 sinks from All Granite?

24 A. I can assume, and that's only my  
25 personal opinion, that when the customers are

TSG Reporting - Worldwide 877-702-9580

Page 166

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 looking for some accessories and they're  
 3 calling our office, they're being directed to  
 4 Artisan only because Artisan carries the  
 5 accessories and the accessories are relatively  
 6 inexpensive compared to some other brand  
 7 names. And maybe just informing them about  
 8 Artisan makes that feeling in their mind that  
 9 they're being -- that the sinks are Artisan.  
 10 You know, but the fact is that the sink is  
 11 not. And, you know, six people for the amount  
 12 of projects that we're doing, it's not really  
 13 a big percentage. We install -- we did the  
 14 calculations, you know, hundreds of  
 15 countertops every week, you know, 300 that's a  
 16 number. And we're talking about years. We  
 17 have those invoices for the period 2006/2007.  
 18 So these are thousands and thousands of  
 19 installations. And only six people, that's  
 20 not a big percentage. And I don't think that  
 21 that shows the overall scheme of things. You  
 22 know, the overall way of doing things in our  
 23 office, because I just don't see the reason  
 24 why they would tell the customer about Artisan  
 25 if we have our own brand. That's really --

TSG Reporting - Worldwide 877-702-9580

Page 167

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 other than what I mentioned.  
 3 Q. Have you checked or -- do you know  
 4 if Artisan accessories fit the sinks that are  
 5 manufactured for you by your Chinese  
 6 manufacturer?  
 7 A. I'm not sure.  
 8 Q. Have you tested that?  
 9 A. No. No, we just -- you know, if  
 10 somebody wants to get the accessory we leave  
 11 it to the customer and just tell them check if  
 12 it fits. But we don't say that it will fit.  
 13 You know, if the accessories -- I'm not sure  
 14 basically. And that's not something that I  
 15 really looked into in the past.  
 16 Q. Do you know if Artisan  
 17 Manufacturing sells its accessories or its  
 18 sinks directly to the retail trade? Or  
 19 directly to the public?  
 20 A. I don't think so. I don't believe  
 21 so. But I don't know.  
 22 Q. Do you know if your sales force or  
 23 whoever might be recommending Artisan as a  
 24 source for sink accessories knows whether  
 25 Artisan sells sinks directly to the public?

TSG Reporting - Worldwide 877-702-9580

Page 168

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 A. I don't know. I know that they're  
 3 selling to some other fabricators but -- can  
 4 they purchase -- you can purchase it off the  
 5 website I think. I don't know.  
 6 Q. Now, you mentioned earlier that  
 7 you had a meeting -- was it the end of the  
 8 summer in 2007 with a representative of  
 9 Artisan?  
 10 A. Um-hum.  
 11 Q. Do you recall who that was?  
 12 A. I thought the name that sounded  
 13 familiar in the paperwork, Joe Amabile, I  
 14 think. But I'm not 100 percent sure that that  
 15 was him.  
 16 Q. Well, I'll confirm that that was  
 17 Joe Amabile.  
 18 A. Okay.  
 19 Q. Do you recall more specifically  
 20 when that meeting took place?  
 21 A. When, no. Not exactly when. He  
 22 was in my office though in Ridgefield Park.  
 23 Q. On Austin Street?  
 24 A. Correct. The location I remember.  
 25 Q. Do you recall whether you had any

TSG Reporting - Worldwide 877-702-9580

Page 169

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 additional appointments to meet with Joe  
 3 either before or after the Austin Street  
 4 meeting where --  
 5 A. I don't know. No, no. I never  
 6 saw him again.  
 7 Q. Do you recall scheduling any  
 8 meetings with him, even before the Austin  
 9 Street meeting?  
 10 A. No, I don't recall anything.  
 11 Q. Do you recall hearing about the  
 12 first time that Mr. Amabile entered the  
 13 Ridgefield Park location?  
 14 A. No.  
 15 Q. Is there any reason why a  
 16 representative of Artisan would not be welcome  
 17 in the Ridgefield Park location?  
 18 A. No.  
 19 Q. Do you recall what you discussed  
 20 with Mr. Amabile during your meeting at Austin  
 21 street?  
 22 A. Yes.  
 23 Q. And what was that?  
 24 A. Well, Mr. Amabile wanted me to buy  
 25 sinks from Artisan and I told him that, you

TSG Reporting - Worldwide 877-702-9580

Page 170

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 know, at that point we have our own line of  
 3 sinks that we just imported. I just told him  
 4 the way it was, that we import our own sinks.  
 5 And he understood that, you know, and we were  
 6 I guess talking a little bit about the price.  
 7 I told him that these are half the price. I  
 8 also expressed the fact that clients don't  
 9 know the origin and there is no real gain in  
 10 using sinks that the clients don't know.

11 And at that time he told us, Okay,  
 12 but our sinks are better quality. Then I  
 13 learned about the 16 gauge that Artisan  
 14 introduced. And I told him, Well, the  
 15 customer -- 16, 18 gauge, the sink is the  
 16 sink. The customer looks at it, you know,  
 17 grabs it, and feels it. Eighteen gauge is a  
 18 very, very good sink. It's a standard in the  
 19 industry I guess. So it feels solid. It  
 20 feels good.

21 And I told him I'm not sure that  
 22 people, you know, would like to buy it for  
 23 more money from them. And he said it's just a  
 24 better line. And he proposed an alternative  
 25 solution. What about if I carry two lines of

TSG Reporting - Worldwide 877-702-9580

Page 171

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 sinks; my line and his line as a premium line,  
 3 16 gauge, better, and so forth.

4 But I thought it's not -- it  
 5 wouldn't be good for image of my brand, first  
 6 of all, because it would make my sinks look  
 7 inferior. Then it would create a problem, how  
 8 would I give away two sinks for free, you  
 9 know. One of a better value, you know,  
 10 because it would be a premium 16 gauge line  
 11 and my sinks. How would I trade it? I would  
 12 have to divide the customers into better and  
 13 worse or something and I wouldn't like to do  
 14 that.

15 But at the end I just told him  
 16 that I'm going to think about it and I never  
 17 followed up because I never thought that  
 18 that's a good idea.

19 Q. Do you know if Mr. Amabile was  
 20 proposing that All Granite give away the  
 21 Artisan sinks or that they upsell them to  
 22 customers?

23 A. I don't remember. And I wouldn't  
 24 consider selling them. And I told him we give  
 25 away the sinks for free. So we don't make

TSG Reporting - Worldwide 877-702-9580

Page 172

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 money on sinks. I wouldn't consider selling  
 3 sinks. His sinks even. Because even though  
 4 if we had that premium line we would have to  
 5 charge the customer for it. What that would  
 6 mean for us, accounting system has to be  
 7 changed, we would have to rearrange the work  
 8 orders. You know, I don't know -- the system  
 9 is not set up for that because then we would  
 10 have to start tracking sinks because we'd have  
 11 to pay taxes on them. So it's like a hassle.  
 12 And what would we gain, with hundred dollars  
 13 here or there. Most of the people would  
 14 choose our sinks anyway because it's free and  
 15 we make granite affordable. We're the company  
 16 that brought the stone to New Jersey, New York  
 17 for the price that Formica, Corian countertops  
 18 used to be. So we cater to the homeowner,  
 19 middle America. And we want them to get the  
 20 sink for free. And that's what makes the  
 21 customer happy.

22 Q. You raised the issue of  
 23 accounting. How do you account for the  
 24 purchase of the sinks that you buy now from  
 25 your Chinese manufacturer? Is that just a

TSG Reporting - Worldwide 877-702-9580

Page 173

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
 2 business expense with no --

3 A. I think, yes.

4 Q. There's no revenue generated  
 5 from --

6 A. No revenue generated. Just like  
 7 an advertising, marketing expense. Just the  
 8 same way as the cleaner and other freebies.

9 Q. And do you recall during your  
 10 meeting with Mr. Amabile the fact that he  
 11 mentioned that he saw an Artisan on display in  
 12 the South Plainfield showroom?

13 A. I don't remember that.

14 Q. Now, Mr. Amabile testified here on  
 15 Thursday with respect to the document that we  
 16 looked at earlier which has been marked as  
 17 Plaintiff's Exhibit 7 and Mr. Amabile  
 18 testified that he saw this document both in  
 19 the Ridgefield Park showroom and in the South  
 20 Plainfield showroom. Would you have any  
 21 reason to disbelieve or discredit Mr.  
 22 Amabile's testimony?

23 A. I don't believe that basically. I  
 24 do not believe it because I go to the  
 25 showrooms and I see -- you know, I'm not there

TSG Reporting - Worldwide 877-702-9580



Page 174

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 to look at sinks but from time to time I will  
3 look at different things and I never noticed  
4 that. And if something like was there I would  
5 notice it and Alex would notice that  
6 definitely because he's there every day. So  
7 he would tell me that. And I talked to sales  
8 office manager in Ridgefield Park. I talked  
9 to Alex. They never saw it. So I just -- I  
10 just don't believe that.

11 Q. Do you recall ever offering a sink  
12 to customers -- to consumers with the model  
13 number AUD 23210-D9?

14 A. The only model number that kind of  
15 bangs in my head is that 488 something. And  
16 that's the only model number that I recall.

17 Q. Now, Mr. Deja, has -- sorry.

18 A. I wanted to mention something  
19 about Mr. Amabile.

20 If he mentioned that sink in South  
21 Plainfield I'm just wondering because if he  
22 saw our sinks at that time, you know, he might  
23 have mentioned something about the fact that  
24 he doesn't like the logo, that he thinks that  
25 it's similar. And, you know, I could talk to

TSG Reporting - Worldwide 877-702-9580

Page 176

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 but it's such a hassle, we just made a phone  
3 call and they took it off. That's fine.

4 Q. Do you recall ever being named in  
5 a domain name dispute proceeding brought by  
6 Lowes, the home improvement store?

7 A. Lowes?

8 Q. Yes.

9 A. Domain name?

10 Q. Yes.

11 A. ourmarble.com?

12 Q. No, another domain name.

13 A. No, I don't know.

14 Q. Does All Granite own any domain  
15 names?

16 A. We own like 1,500 domain names.

17 Q. Do you know if any of those domain  
18 names included the name Lowes?

19 A. I'm not sure. I don't know.

20 Q. Do you know who would know that?

21 A. Our network administrator.

22 Q. Are you aware of any Better  
23 Business Bureau complaints that have been  
24 lodged against All Granite & Marble?

25 A. Yes.

TSG Reporting - Worldwide 877-702-9580

Page 175

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 him to resolve the problems. And then all of  
3 a sudden we've got the lawsuit coming out of  
4 nowhere because he didn't mention anything  
5 about those things that apparently bothered  
6 him at that time. So that was unfortunate  
7 because we might have avoided all that at that  
8 point.

9 Q. Now, Mr. Deja, has All Granite  
10 been involved in any other intellectual  
11 property disputes over the past three or four  
12 years?

13 A. Not in a defendant's position.

14 Most of the cases that we -- no, we never had  
15 any case basically if that answers your  
16 question. We're being copied left and right  
17 and typically what we do is we send a letter  
18 advising about taking photographs of our  
19 countertops from the websites, taking 3D of  
20 the showrooms -- there was a company that  
21 copied all of our 3D tools from our websites.  
22 Like 3D edges. That happens like every  
23 weekend. But they copied everything, the 3D  
24 showroom, 2D showroom, and they just copy.  
25 And we tried to make a litigation out of it

TSG Reporting - Worldwide 877-702-9580

Page 177

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 Q. And how many would you say have  
3 been lodged against All Granite?

4 A. I don't know. It's hard to say.  
5 It's really hard to say. I have to check on  
6 it. At this point maybe we have six maybe.  
7 Something like that. I don't know. I don't  
8 want to give the false number. I take that  
9 back.

10 Q. Are any unresolved at this point,  
11 to your knowledge?

12 A. There are some disputes that are  
13 being worked on right now. And I guess we  
14 have to reply to the customers or the case was  
15 taken care of and the customer never notified  
16 the Better Business Bureau about it.

17 Q. Are you aware of any other  
18 investigations being conducted into All  
19 Granite & Marble?

20 A. No.

21 Q. Any investigation by the IRS?

22 A. No.

23 Q. Any --

24 A. Um, IRS? You mean, a pending IRS?

25 We're talking about regular audits or

TSG Reporting - Worldwide 877-702-9580

Page 178

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 something?

3 Q. Regular audits or investigations  
4 by the IRS.

5 A. I'm not aware. I think we had an  
6 audit two years ago. I don't know.

7 Q. Any investigations by the INS?  
8 A. No.

9 MR. MALTBIE: I'd like to mark as  
10 Plaintiff's Exhibit 20 a six-page  
11 document entitled Order to Show Cause  
12 For Preliminary Injunction, Temporary  
13 Restraining Order and Order For  
14 Expedited Discovery signed by Judge  
15 William Pawley on January 11, 2008.

16 (Plaintiff's Exhibit 20, Order to  
17 Show Cause For Preliminary Injunction,  
18 Temporary Restraining Order and Order  
19 For Expedited Discovery, marked for  
20 identification as of this date.)

21 BY MR. MALTBIE:

22 Q. Mr. Deja, if you could take a look  
23 at what's been marked as Plaintiff's  
24 Exhibit 20 and tell me if you've ever seen  
25 this document before.

TSG Reporting - Worldwide

877-702-9580

Page 179

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. I might have.

3 Q. Could you tell me if you remember  
4 attending a court conference on January 11,  
5 2008?

6 A. Yes, definitely.

7 Q. And do you remember the outcome of  
8 that court conference?

9 A. It concluded with the judge  
10 wanting us to settle it.

11 Q. Do you know if the judge entered  
12 any order with respect to the alleged  
13 infringement of the Artisan trademarks by All  
14 Granite?

15 A. No.

16 Q. Since January 11th has All Granite  
17 continued to install stainless steel sinks  
18 which bear the crown logo?

19 A. Yes.

20 Q. And has there been any attempt to  
21 alter or modify the crown logo on the sinks?

22 A. Definitely, yes. We're in process  
23 of doing something to it, you know, to  
24 eliminate it. We're working on a method of  
25 the removal of the logo altogether. It's a

TSG Reporting - Worldwide

877-702-9580

Page 180

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY  
2 special method because it's a thermal print so  
3 we're talking to different printing companies  
4 to find a good solvent to remove it so we're  
5 working on it.

6 Q. My question is with respect to --  
7 it's one month exactly from January 11th to  
8 today. Have the sinks that All Granite has  
9 installed, have they included the crown logo  
10 that's the subject of this lawsuit?

11 A. My understanding was that the  
12 judge said -- how did he phrase it? When we  
13 asked him whether we should continue  
14 installing it he said, Well, it's not the end  
15 of the world. Something like that. And that  
16 was my impression.

17 And the whole issue I guess was  
18 based on the assumption that the logo is  
19 similar and he left it to our discretion to  
20 decide whether it is similar or not. If the  
21 logo is similar we shouldn't be installing  
22 them. If the logo is not similar, we can  
23 continue installing it and the judge said that  
24 he's not going to decide on the factual matter  
25 whether the logo is, in fact, similar or not.

TSG Reporting - Worldwide

877-702-9580

Page 181

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 So it was like -- and that was my  
3 impression at that time that we can still  
4 continue distributing the sink until the  
5 matter is resolved.

6 Q. Was that a legal opinion given to  
7 you by the judge or someone else?

8 A. I think that was judge's opinion  
9 and that's what I venture.

10 Q. Do you recall the judge saying  
11 that he wasn't going to provide you with legal  
12 advice?

13 A. Yes. He just said...  
14 (Pause on the record.)

15 Q. Mr. Deja, just a few more  
16 questions. With respect to the branding of  
17 the All Granite sinks, what value have you  
18 seen come about as a result of the inclusion  
19 of a logo or design on the All Granite sinks?

20 A. As I said, there is no value that  
21 we can input in dollars, obviously. But there  
22 is better reaction from the customer to see  
23 the sink that has a logo, some logo, as  
24 opposed to no logo at all. And that's what it  
25 is pretty much.

TSG Reporting - Worldwide

877-702-9580

Page 182

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 Q. And I believe you testified that  
3 you do -- other than placing the actual logo  
4 on the sink there's no marketing or inclusion  
5 of that logo on any other marketing material  
6 that All Granite does?

7 A. That is correct. There is no logo  
8 on brochures, advertisements of any sort.

9 Q. Do you have any plans to develop  
10 marketing for -- for or behind that logo?

11 A. At this point with the whole  
12 litigation I don't have any plans because we  
13 have to see what's going to happen at the end  
14 of the day here. And for the future plans,  
15 branding the sinks is one of the least of my  
16 worries, so to speak. There are some other  
17 things that I would like to dedicate my time  
18 to in the nearest future and that's not the  
19 branding of the sinks.

20 Q. How about on December 13th of  
21 2007? Were there any plans as of December  
22 13th, 2007, before you received the cease and  
23 desist letter in this case, with respect to  
24 the marketing or branding of All Granite  
25 sinks?

TSG Reporting - Worldwide 877-702-9580

Page 183

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. Well, we had certain plans for the  
3 sinks for the future. But that was nothing  
4 really, not even sketchy. Not even -- you  
5 know, for us at that point we were happy that  
6 we have the sinks that are a good value for  
7 the customer that are affordable for us and  
8 that's pretty much it.

9 Q. With respect to your competitors  
10 in the granite fabrication business how  
11 closely do you keep track of their activities?

12 A. Oh, you know, not very closely but  
13 somewhat closely. I look through the direct  
14 print magazines because we advertise in a lot  
15 of different magazine, Clipper Magazine,  
16 Value-Pak, Super Coups. All sorts of direct  
17 mass mailing vehicles. So I like to -- you  
18 know, I always get a copy, so I skip through  
19 it to see who joined as a competitor.  
20 people -- fabricators like to follow our  
21 example. So when we are in certain  
22 publications they're automatically -- the next  
23 issue two or three will join.

24 Q. Do you ever visit any of your  
25 competitors' showrooms?

TSG Reporting - Worldwide 877-702-9580

Page 184

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A. I've been to some.

3 Q. Are you aware of any of your  
4 competitors that do carry Artisan sinks?

5 A. I know that Atlas Marble & Granite  
6 carry Artisan sinks.

7 Q. Do you know whether they sell  
8 sinks or --

9 A. Give away. 100 percent give away.

10 Q. 100 percent?

11 A. I actually visited the booth  
12 Saturday and looked at their brochure.

13 Q. Do you know for sure whether they  
14 give away free Artisan sinks?

15 A. That's what I'm saying. They have  
16 the brochure and it said free sinks and I  
17 checked their sinks and I made sure with the  
18 representative who was on the stand that I'm  
19 going to get the free sink with the order.

20 Q. Do you know if Artisan is the only  
21 brand of sinks that they carry?

22 A. It seems to be the only brand  
23 because at this point they have Artisan.  
24 Almost every fabricator of a decent size  
25 offers free sinks right now with the coupons.

TSG Reporting - Worldwide 877-702-9580

Page 185

1 R. DEJA - CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 They're fairly -- that's a trend. It became a  
3 trend after we started offering free sinks.

4 Q. Do you know how many fabricators  
5 started offering Artisan sinks?

6 A. No.

7 Q. Other than Atlas do you know any  
8 other fabricators that offer Artisan sinks?

9 A. I could check.

10 Q. As you sit here today do you know?

11 A. No. Maybe Prestige but I'm not  
12 sure.

13 (Continued on next page to include  
14 jurat.)

TSG Reporting - Worldwide 877-702-9580

Page 186

1  
2 MR. MALTBIE: I have no further  
3 questions at this time.  
4 MR. CHIODO: Okay. I have none.  
5 (Time Noted: 5:10 p.m.)  
6  
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ROBERT DEJA

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2008.

TSG Reporting - Worldwide 877-702-9580

Page 187

1  
2 CERTIFICATE  
3 STATE OF NEW YORK )  
4 : ss.  
5 COUNTY OF NEW YORK )

6 I, FRANCIS X. FREDERICK, a  
7 Notary Public within and for the State  
8 of New York, do hereby certify:

9 That ROBERT DEJA, the witness  
10 whose deposition is hereinbefore set  
11 forth, was duly sworn by me and that  
12 such deposition is a true record of  
13 the testimony given by the witness.

14 I further certify that I am not  
15 related to any of the parties to this  
16 action by blood or marriage, and that  
17 I am in no way interested in the  
18 outcome of this matter.

19 IN WITNESS WHEREOF, I have  
20 hereunto set my hand this 14th day of  
21 February, 2008.  
22  
23  
24  
25

FRANCIS X. FREDERICK

TSG Reporting - Worldwide 877-702-9580

Page 188

1  
2 ----- INDEX -----  
3 WITNESS EXAMINATION BY PAGE  
4 ROBERT DEJA MR. MALTBIE 4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
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----- INFORMATION REQUESTS -----  
DIRECTIONS: NONE  
RULINGS: NONE  
TO BE FURNISHED: NONE  
REQUESTS: NONE  
MOTIONS: NONE

----- EXHIBITS -----  
PLAINTIFF'S FOR ID.  
Exhibit 10  
document bearing production numbers  
ART 00193 through ART 00213..... 61  
Exhibit 11  
document bearing production numbers  
AGM 0035 through AGM 0040..... 76

TSG Reporting - Worldwide 877-702-9580

Page 189

1  
2 ----- EXHIBITS -----  
3 PLAINTIFF'S FOR ID.  
4 Exhibit 12  
5 document bearing production numbers  
6 AGM 0041 through AGM 0043..... 87  
7 Exhibit 13  
8 document bearing production number  
9 AGM 0033..... 93  
10 Exhibit 14  
11 document bearing production numbers  
12 AGM 0162 through AGM 0171..... 142  
13 Exhibit 15  
14 document bearing production numbers  
15 AGM 00187 through AGM 0193..... 151  
16 Exhibit 16  
17 Declaration of Alice Anderson dated  
18 January 31, 2008..... 152  
19 Exhibit 17  
20 document bearing production numbers  
21 AGM 0179 through AGM 0186..... 157  
22 Exhibit 18  
23 document bearing production numbers  
24 AGM 0194 and AGM 0195..... 163  
25

TSG Reporting - Worldwide 877-702-9580



Page 190

----- EXHIBITS -----  
PLAINTIFF'S FOR ID.  
Exhibit 19  
document bearing production numbers  
ART 00237 and ART 00240..... 164  
Exhibit 20  
Order to Show Cause For Preliminary  
Injunction, Temporary Restraining Order  
and Order For Expedited Discovery..... 178

TSG Reporting - Worldwide

877-702-9580

Page 191

NAME OF CASE: ARTISAN v. ALL GRANITE  
DATE OF DEPOSITION: FEBRUARY 11, 2008  
NAME OF WITNESS: ROBERT DEJA

## Reason codes:

1. To clarify the record.
2. To conform to the facts.
3. To correct transcription errors.

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_ Line \_\_\_\_\_ Reason \_\_\_\_\_  
From \_\_\_\_\_ to \_\_\_\_\_

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